

**VILLAGE OF EGG HARBOR PLAN COMMISSION MINUTES**  
**TUESDAY APRIL 27, 2021 – 12:00 P.M.**

Cambria Mueller, Chair  
Kathy Navis, Commissioner  
Emily Pitchford, Commissioner  
Jon Kolb, Commissioner

Paula Cashin, Commissioner  
Lou Nyberg, Commissioner  
Vacancy

Agenda:

1. Call Meeting to Order
  - a. **Chair Cambria Mueller called the meeting to order at 12:00pm.**
  - b. Commission members present: Cambria Mueller, Kathy Navis, Emily Pitchford, Jon Kolb, Paula Cashin
  - c. Commission members absent: Lou Nyberg
  - d. Staff present: Tom Strong, Lydia Semo
  - e. Audience members: Michael Schwantes, Tom Fisk, Joe Smith, David Pollman, Robert Pollman, John Heller, Mary Jo Kolb, Bill White, Chris Roedl, Lauren Schar, Be Beauty, Kim Jensen, Town of Baileys Harbor, Jon Pinkert, Stacy Wodack, Geoff Hansen
  
2. Approve Agenda
  - a. **Paula Cashin moved to approve the agenda. Seconded by Kathy Navis.**
  - b. **Motion unanimously carried.**
  
3. Pledge of Allegiance
  
4. Approval of March 23, 2021 Meeting Minutes
  - a. Paula Cashin: Page 2 item agenda 6b, second line, remove the “3” in “improvement.” Another correction needs to be criterion.
  - b. **Cambria Mueller moved to approve the minutes with the changes noted. Seconded by Paula Cashin.**
  - c. **Motion carried.**
  
5. Open Session
  - a. *Kaaren Northrop spoke to agenda item 9, the recommendation regarding zoning relaxation. In spring/summer 2020, there were a lot of changes and there will be pressure to continue that this year. She urged the Commissioners to not do that since there are no longer any government mandates.*
  - b. Tom Strong: I am thrilled to see Megan Sawyer returning to the Village. This is a busy office. We’ve been doing what we can during the transition period with limited resources. We have no doubt had things remain on our backlog too long. I believe Megan, Lynn and I will work well together to ensure that Administrative duties get carried out.
  - c. Paula Cashin: I think the three of you together will be a great team.
  
6. Staff’s first review of Conditional Use Permit application filed by Sojenhomer, LLC for an addition at 7791 STH 42 (Parcel # 118-0125302612N and 118-0125302612P) and scheduling of public hearing if necessary.
  - a. Tom Strong highlighted changes from the first submission are included in the Executive Summary page. Items for the Plan Commission members to deliberate on will get additional diligence prior to the public hearing if you choose to move forward. I would recommend holding the Public Hearing and Plan Commission deliberation on two separate days. I have the public notices ready to post for a May 11<sup>th</sup> Public Hearing if you choose to move forward.
  - b. Joe Smith: The building itself has not change, we have been working at this non-stop since before the pandemic happened. We feel that the addition in the old Christine’s property softens the scale of the building and provides a transition from the greenspace to the Shipwrecked building itself. We took the feedback from the last meeting, and we’ll gladly conform to any conditions that you apply. 10 years ago, Egg Harbor was not as vibrant as it is today, and people would just drive through it on their way to Fish Creek or Sister Bay. The continuation of projects like ours are what is keeping Egg Harbor as *the* place to be in Door County.
  - c. Emily Pitchford: Is the stormwater management the same as the original plans?
  - d. Joe Smith: Yes
  - e. Jon Kolb: Is there a difference with the seats outside?
  - f. Joe Smith: It is the same number of seats, there are just more on the grass since we shrunk the patio size to reduce the impervious surface ratio.
  - g. Cambria Mueller: The side parking lot that was initially proposed is now no longer being put in, as well as 2 or

- 3 parking spots from the parking lot you currently have, correct?
- h. Joe Smith: The biggest take-away from last meeting was that green space was more important than parking, so we chose to take the route that was fully compliant with all zoning codes with the Village of Egg Harbor.
  - i. Cambria Mueller: I'm still concerned that you will fall short considerably with the spots needed. I went through the Comprehensive Plan, and it can be difficult to define what "quaint" is. For me, the green space and parking are both very important issues. I struggle approving the addition of 92 seats when the parcel already severely lacks the required parking.
  - j. Jon Kolb: I like the change with the contained green space, my problem is also the parking and the fee in lieu of parking of \$50. I would prefer to hold off until we have a better fee in lieu of parking to eliminate any burdens on the taxpayers. Come up with a plan and show me how you're going to get your customers to your location. Fee in lieu of parking should be more like \$1,500 per space.
  - k. Paula Cashin: I totally agree with Jon.
  - l. *Cambria Mueller addressed concerns about visitors not being able to find parking and creating unsafe situations.*
  - m. Joe Smith: So, the two concerns are the Village Ordinance and the safety of the intersection? I understand the concern, but it is not relevant to the land use.
  - n. Kathy Navis: I agree that the updated design of the building will make Shipwrecked much more attractive. I am very sad to see parking that could be there, not there. I understand where the applicant is coming from, it seemed like green space was a priority at the last meeting, but I would personally like to see the back parking lot go to the original plan with 15 spaces. Move the dumpsters back, get rid of the green area and put parking, they are already mitigating water run-off. I think they have the right to develop the property, we have our ordinances in place. We can't say the fee in lieu of parking should be more for this applicant, maybe in the future we should consider setting further conditions.
  - o. Jon Kolb: I don't think we can burden the taxpayers by funding another 80-spot parking lot.
  - p. Kathy Navis: How many spots short were we with the parking study?
  - q. John Heller: I believe it was 75-100 for the total Village. There are more than enough being added to Church Street and HWY 42 to address that condition.
  - r. Kathy Navis: The new additional seating is 92, not 392. The original 300 were considered when we initially looked at the parking shortage. We have already accounted for the parking spaces that Shipwrecked was originally short.
  - s. Jon Kolb: But there was not adequate parking in the first place.
  - t. Cambria Mueller: I still believe it is at the discretion of the Plan Commission.
  - u. Kathy Navis: We need to send our attorney an email, I'm not sure what our options are.
  - v. Emily Pitchford: I think that this is a discussion that we need to come to some future program decision on, companies are going to want to expand, and we are going to continually going to have a parking problem. With the Church Street and HWY 42 projects, at what point are we maxed out that they can no longer expand?
  - w. *The Plan Commissioners discussed the ordinance and how it relates to the application.*
  - x. Cambria Mueller: In Chapter 152(e), we could require more spaces under the circumstances of safety. I do agree that some of our ordinances need to be revised, not just in regard to Shipwrecked, I am not trying to place any undue burden on Shipwrecked and I do like the idea of the application.
  - y. Joe Smith: I would like to remind the Commissioners that Shipwrecked pays about \$30,000 per year in taxes.
  - z. Kathy Navis: At this point, we are not making any decisions today, it has to go to a public hearing and then we can deliberate.
  - aa. **Kathy Navis moved to schedule a public hearing on May 11<sup>th</sup> at 12:00pm and deliberation on May 25<sup>th</sup> at 12:00pm for the review of this Conditional Use Permit filed by Sojenhomer, LLC. Seconded by Paula Cashin.**
  - bb. **Motion unanimously carried.**
  - cc. Joe Smith: Cambria, I would appreciate it if you could remind those at the Public Hearing of the standard procedures. It is meant to be an adversarial conversation.
7. Meadow Ridge Condominium CSM (Re-Plat) Application Parent Parcel 11855000
- a. *Tom Strong presented an overview of the Meadow Ridge CSM (Replat) as presented in the packet. They are essentially looking at changing the footprint to build the current condos slightly larger and modify others.*
  - b. *Tom Fisk provided additional details on why they are making the changes. The units will be on one floor and changes will be as minimal as possible. The existing buildings have all been sold with the exception of one unit. There have been some past sewer assessments and they have all been paid.*
  - c. Kathy Navis: Are the buildings in red existing?
  - d. Tom Fisk: No, the red buildings would be new construction.
  - e. Tom Strong: The original plan was in the Town but was eventually annexed into the Village. This presentation is a modification to the originally approved plans from 2007.

- f. Kathy Navis: Are those red buildings being changed to 4 units?
  - g. Tom Fisk: Yes, but building D is being reduced from 4 into 2 units. Construction is looking to start after the final approval at some time in May or early June.
  - h. Jon Kolb: Are there any fire department concerns? Are they aware of this?
  - i. Tom Strong: This new design has not been presented to the fire department recently. It will need to adhere to the Fire Code, and because it is 4 units per building it will need State approval.
  - j. Emily Pitchford: So, we are just approving the CSM, and not going through approving the any Conditional Use or setbacks at this point.
  - k. Tom Strong: Each time a new building would go up, it would need a new Zoning Permit and would have to go through those normal approvals. This is simply to allow the approval to change the new design.
  - l. Emily Pitchford: If I look at the Rec District Conditional Uses, multi-family dwellings not to exceed 4 dwellings per unit per acre is a Conditional Use. What is the acreage of this property for the CSM?
  - m. Cambria Mueller: I think they are part of the Special Development Overlay.
  - n. Tom Strong: This is about 10 acres; the permitted use would be about 45 units. I talked with Attorney Kalny, he said since they are reducing the number of units and the 64 units has already been approved, there is no need for a Conditional Use approval in this case.
  - o. **Cambria Mueller moved to approve the Meadow Ridge Condominium CSM (Re-plat) Application Parent Parcel 11855000. Seconded by Paula Cashin.**
  - p. **Motion unanimously carried.**
8. Deliberation and possible action on the updated construction schedule as required by the Conditional use permit application issued to Michael J. Schwantes (Village View Condominiums) for 7784 STH 42 (Parcel # 1180125302612D)
- a. *Chair Cambria Mueller recused herself from the discussion and vote, since she spoke in opposition to the project at the public hearing before she was a Plan Commissioner.*
  - b. *Tom Strong provided an overview of the Village View construction schedule to begin demolition and blasting as presented in the packet starting on page 36.*
  - c. *Michael Schwantes provided an update on what's going on at the property, such as wood painting and stone cleaning. They are seeking approval to move forward and accomplish the project, since there have been concerns with blasting within the timeline. They reviewed the preliminary timeline with the Commissioners.*
  - d. **Kathy Navis moved to approve the schedule as presented, under the condition that financial assurances are approved by the Village Attorney prior to any blasting. Seconded by Paula Cashin.**
  - e. **Motion carried. Cambria Mueller – abstained.**
  - f. Tom Strong: I will issue a raising permit for the demolition only, and when financial assurances are in place, I will issue a second one for the blasting, then a third one for the actual construction when it comes time for that to begin.
9. Recommendations to Trustees regarding Zoning Rule Relaxation for Businesses Affected by Covid-19
- a. *The Commissioners discussed Mariah Goode's guidelines and took recommendations from business owners in the audience. Previous relaxations included outdoor seating.*
  - b. Lauren Schar: We added additional outdoor seating without losing a single parking spot, everyone wants to eat outside in beautiful Door County during peak season. Our customers ask every day if we are going to be able to do that again. I would urge the commission to pay attention to things that were added that didn't take away or add issues to parking, etc. We added posts and strung lighting and flowerboxes to create a boundary for safety.
  - c. Kim Jensen: Some of us are not able to get our work done in our backyard due to landscapers not having enough staff or resources. The RRF uses language to be complete by 2023, we might want to use our parking lot like we did last year in front of Mojo's. With construction next door, I don't think I'll be able to seat customers in my backyard.
  - d. Cambria Mueller: A lot of restaurants and retail businesses moved things outside to create more space for social distancing. I like the idea of the businesses accommodating their patrons to make people feel safe coming out of a time of uncertainty.
  - e. Kathy Navis: Since the County is recommending moving forward with the plan for 2021, I don't have any problem with Egg Harbor doing the same.
  - f. Tom Strong: It's a situation that we're monitoring on a weekly basis, and we try to go with that for guidance for all Village facilities.
  - g. Kathy Navis: This is just for the duration of the COVID-19 Public Health Emergency. I think once we make a decision it has to be for the whole season.
  - h. Cambria Mueller: When the County drops this, we should have another discussion to learn about how it benefitted businesses. Maybe there are some ordinances and regulations that we currently have in place that should be tweaked a little bit.

- i. Jon Kolb: I think we should go from now through Pumpkin Patch. We could extend or reevaluate at that point.
- j. Lauren Schar: Destination Door County has done a very good job of extending our season, we were incredibly touched to see how safe people felt sitting outside last year by pulling out vests and blankets to sit outside in the colder fall/winter months.
- k. **Cambria Mueller moved to recommend to the Trustees that we follow the current guidelines provided by Mariah Goode for the County of Door through the remainder of 2021, to be reviewed before the season of 2022. Seconded by Paula Cashin.**
- l. Kim Jensen: I would like to add that one of our busiest fall weekends was the first weekend in November, after most restaurants had already closed.
- m. Paula Cashin: We should review it every year.
- n. Jon Kolb: To Kaaren’s point, I would like businesses to realize that this is a temporary rollback.
- o. Kathy Navis: Going forward in the future, we may find that a lot of customers prefer to sit outside indefinitely.
- p. **Motion unanimously carried.**

#### 10. Chapter 152 Ordinance Update

- a. *Cambria Mueller reviewed what the Ordinance currently states.*
- b. Kathy Navis: I am not clear as to why it would be more or less likely to change if it is in the ordinance versus the fee schedule.
- c. Tom Strong: The ordinance would have to go through much more scrutiny to be updated. The fee schedule goes through an annual approval, the ordinance just has much more visibility. Right now, in the fee schedule, the dollar amount is \$50. If you were to recommend this change it would not change the dollar amount today, and the change has nothing to do with the discussion of required spots, it has nothing to do with the dollar amount per spot, or the possibility of adding an option to let the businesses pay a one-time fee up front. As it was originally proposed, it was just to remove the parking spots but after deliberation at the Trustee level, the change was made to bring the dollar amount into the ordinance. It is worth considering tabling the discussion as the other discussions for requirements and dollar amounts are pending and won’t happen for at least a month or two.
- d. *Cambria Mueller discussed the feedback from the parking discussion meeting.*
- e. *John Heller will have more information to provide by the next regular Plan Commission meeting. He also shared what other similar communities feel is an equitable solution in using fee in lieu of parking.*
- f. *Kathy Navis would like to leave it in the Ordinance where it is less likely to change on a yearly basis. Jon Kolb agreed, but he would like the dollar amount changed.*
- g. **Jon Kolb moved to table updates to Chapter 152 ordinance. Seconded by Kathy Navis.**
- h. **Motion unanimously carried.**

#### 11. Zoning Report

- a. Tom Strong provided an overview of Zoning Administration activities, highlighting the Pat Bohn construction request on Church Street.

#### 12. Correspondence

- a. No written Correspondence to the Plan Commission this month.
- b. *Two pieces of correspondence were sent by Dawn McGinnis and Kim Jensen, these were sent to the Plan Commissioners just before the meeting.*

#### 13. Open Session

- a. Kathy Navis: I have a question for Joe Smith, what is the plan for the construction site at Shipwrecked? Will they be filling in the hole and level it off before the season, or are you still looking to begin construction this season?
- b. Joe Smith: Yeah, we are waiting to see what is going to happen at the upcoming Public Hearing and deliberation. It will be excavated for the construction when we started, but when we actually started is yet to be determined.
- c. Lisa VanLaanen: Is public able to comment before or during the hearing on May 11<sup>th</sup>?
- d. Paula Cashin: Yes, but they have to be sworn in.
- e. Cambria Mueller: To give public testimony, it does have to be factual based off ordinances or needs to have educational background to it. Any other general public input should be put into the regular scheduled meeting during Open Session.
- f. Joe Smith: I think that the COVID relaxation of the ordinances is great, I saw what our neighboring businesses did, and it was perfect to give visitors space. I think the Commission made a really smart decision in

recommending that. I think your logic and reasoning behind keeping the dollar amount of the fee in lieu of parking in the ordinances keeps more assurances and stability for businesses – it is not meant to be a punishment, but it is meant to be an opportunity to encourage development.

- g. Kathy Navis: Once a project takes place and there's a fee in lieu of parking for that project, is the fee set at the time of construction permanent? Or can it increase?
- h. Cambria Mueller: I think that's to the benefit of having it in the ordinance.
- i. Kim Jensen: Going back to the public hearing sessions, I believe being a taxpayer and living in the Village makes some of us experts because we live here, we contribute here, we provide jobs here. We just need to make sure that elected officials do not make hearings toxic so that we lose public input. It is lawful to come in with an opinion if it is relevant to the issue at hand. You don't want to offset people to go to another meeting to have open session, I think you are then silencing the public and making people feel like they can't participate.
- j. Cambria Mueller: Absolutely, we do not want to silence community members and we'll look into finding the right avenue in how the procedure is supposed to be happening.
- k. Tom Strong: I have an article that really explains what substantial evidence means. It really doesn't prevent anyone from voicing an opinion, but it does give the Plan Commission direction for what they can consider in their deliberation.
- l. *Dawn McGinnis agreed with what Kim Jensen had to say as she also lives across the street.*
- m. *Kathy Navis stated that the State of Wisconsin changed the laws regarding Conditional Use Permits, we as commissioners are required by law to only use facts to make decisions about a Conditional Use Permit. We cannot use personal opinion in a testimony to make a decision, it is not that we don't care what people think or feel. Cambria Mueller would like to go through that article at the meeting before the public hearing.*

14. Next Meeting

- a. Public Hearing for the Sojenhomer LLC Shipwrecked addition on May 11<sup>th</sup>, 2021 at noon. The next regular meeting will be on May 25<sup>th</sup>, 2021 at noon.

15. Adjourn

- a. **Kathy Navis moved to adjourn. Seconded by Cambria Mueller.**
- b. **Motion unanimously carried.**
- c. Meeting adjourned at 2:19PM.

Minutes completed by Lydia Semo on May 5, 2021. Submitted for approval on May 25, 2021.